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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8829	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/CA99/00849	International filing date (<i>day/month/year</i>) 21 September 1999 (21.09.99)	Priority date (<i>day/month/year</i>) 21 September 1998 (21.09.98)
International Patent Classification (IPC) or national classification and IPC A47K 1/00		
Applicant VISIMAX U.S.A., INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 April 2000 (19.04.00)	Date of completion of this report 15 January 2001 (15.01.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

International application No.

I. Basis of the report

☒ the international application as originally filed.

☒ the description, pages 1-6, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____
 pages _____, filed with the letter of _____

☒ the claims, Nos. _____, as originally filed,
Nos. 1-12, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____
Nos. _____, filed with the letter of _____

☒ the drawings, sheets/fig 1/5-5/5 , as originally filed,
 sheets/fig _____ , filed with the demand,
 sheets/fig _____ , filed with the letter of _____
 sheets/fig _____ , filed with the letter of _____

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

Form PCT/IPEA/409 (Box I) (January 1994)

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☐ claims Nos. _____

because:

- ☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

- ☐ no international search report has been established for said claims Nos. _____

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: I I I

The amendments filed in accordance with PCT Article 19 (1) extend the subject matter of the application beyond the content of the application as filed. They are therefore contrary to the provisions of PCT Article 19 (2). The amendments concerned are the following:

- the expression "pocket size" (French: format de poche) used in Claim 11 does not exist in the application as filed, and cannot obviously be deduced from it;
- Claim 12 contains numerical values that do not appear in the application as filed.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 11	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1 - 11	NO
Industrial applicability (IA)	Claims	1 - 11	YES
	Claims		NO

2. Citations and explanations

Document D1 = GB-A-1 449 265 describes a dispensing box comprising (see particularly Figures 1 and 6):

- a container 14 and a cover 15 attached to the container;
- an inner box (insert 16 may be considered a box) inverted in said container and defining a compartment for a stack of towels (see figures 4A to 4C, page 7, lines 22 to 26 and page 8, lines 27 to 43), said inner box 16 comprising a base having a length and width and an opening 17 in the centre of the base relative to its width, for inserting the towels;
- means for holding the container and the cover in a closed and air-tight position, in which the atmosphere is controlled (see page 9, lines 40 to 57). The opening in the cover, through which the towels are pulled one by one, makes it possible to dispense the towels in a controlled atmosphere.

The subject matter of Claim 1 differs from said prior art in that the opening is long, narrow, serrated, and extends along the whole length of the inner box.

The problem that the present invention proposes to solve may therefore be considered to be that of improving the operation of the dispenser by optimising the shape of the opening.

The novel features claimed (a long, narrow and serrated opening) have however already been used for the same purpose in an analogous device, see D2 = DE-A-2 448

042 (Figure 7). It is obvious to a person skilled in the art to apply these features, with the corresponding result, to a dispensing box as per document D1 and so to obtain a box as per Claim 1. The subject matter of Claim 1 therefore does not involve an inventive step (PCT Article 33 (3)).

Dependent Claims 2 to 10 do not seem to contain any additional feature that would, in combination with the subject matter of any one of the claims on which they depend, involve an inventive step. They relate to features that are in themselves known in the technical field (see D1 and D2, as well as the other documents cited in the description and in the international search report), or modifications that are standard practice to a person skilled in the art.

BOXES I AND V

Leaving aside the features which go beyond the disclosure of the invention as filed (see Box III above), the subject matter of Claim 11 does not involve an inventive step, for the same reasons as those given for Claim 1.